

TITLE 1: GOVERNMENT AND ADMINISTRATION

DIVISION 1: GENERAL PROVISIONS

Chapter 3: Claims Against the County.

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11.031 Presentment of Claims -- Prerequisite for Bringing Suit.

There shall be presented in accordance with this chapter and as a prerequisite to suit against the County of San Bernardino, all claims for money or damages not governed and controlled by Part 3 (commencing with Section 900, Division 3.6 of Title I of the California Government Code, and which are more specifically listed as exceptions in Section 905 of Chapter 1, Part 3, provided that the claims covered by this section are not governed by any other statutes or regulations expressly relating thereto.

Adopted Ordinance #1115 (1963); Amended Ordinance #2734 (1983)

11.032 Claims Presented.

Those claims required by Section 11.031 of this chapter shall be presented to the Board of Supervisors or the Risk Manager in accordance with and in the manner provided in Part 3 (commencing with Section 900) of Division 3.6 of Title I of the California Government Code as contained in Article I of Chapter 2 entitled "Presentation and Consideration of Claims," Article 2 of Chapter 2 entitled "Manner of Presentation and Giving Notice," and Section 12.345 of the Code.

Adopted Ordinance #1115 (1963); Amended Ordinance #3645 (1996)

11.033 Suits Prohibited Until Written Claim Acted Upon.

No suit for money or damages may be brought against the County of San Bernardino on a cause of action for which a claim is required to be presented under Section 11.031 of this chapter until a written claim therefor has been presented to the Board of Supervisors or the Risk Manager and has been acted upon or has been deemed rejected, in accordance with procedures prescribed by Section 11.032 of this chapter. Only the person who filed the claim may bring such a suit.

Adopted Ordinance #1115 (1963); Amended Ordinance #3645 (1996)

11.034 Six Months Statute of Limitations -- Exception.

(a) Except as provided in subdivision (b), any suit brought against the County of San Bernardino for which a claim is required to be presented in accordance with Section 11.031 of this chapter must be commenced within six (6) months after the date the claim is acted upon or deemed rejected by the Board of Supervisors or the Risk Manager.

(b) Exception. When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, such suit must be commenced within six (6) months after the date that the civil right to commence such action is restored to such person. A person sentenced to imprisonment in a state prison may not commence such suit unless he presented a claim in accordance with Section 11.032 of this chapter within the time prescribed therein.

Adopted Ordinance #1115 (1963); Amended #3645 (1996);

11.035 Suit Prohibited Where Full Payment or Compromise Effected.

Where a claim that is required to be presented to the County of San Bernardino in accordance with Sections 11.031 and 11.032 of this chapter is so presented and action thereon is taken by the Board of Supervisors or the Risk Manager:

(a) If the claim is allowable in full and the claimant accepts the amount allowed, no suit may be maintained on any part of the cause of action to which the claim relates.

(b) If the claim is allowed in part and the claimant accepts the amount allowed, no suit may be maintained on any portion of the cause of action where, pursuant to a requirement of the Board of Supervisors or the Risk Manager to such effect, the claimant has accepted the amount allowed in settlement of the entire claim.

Adopted Ordinance #1115 (1963); Admended #3645 (1996);

11.036 Authorization to Delegate the Power to Compromise Any Pending Action.

The Board of Supervisors may compromise, or may delegate the authority to its attorney or an employee to compromise any pending action.

Adopted Ordinance #1115 (1963); Admended #3645 (1996);